

ORIGINAL
BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

IN THE MATTER OF:)	MM DOCKET NO.
)	
<i>Amendment of 47 C.F.R. §73.202(b)</i>)	RM-
<i>Table of FM Allotments</i>)	
<i>(Johannesburg and Edwards, CA)</i>)	
)	
To: The Chief, Allocations Branch)	
Policy and Rules Division)	

RECEIVED
OCT 23 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Comes now **Adelman Communications Inc., Inc.** ("Petitioner"), by Counsel, and pursuant to Section 1.401 of the Commission's Rules, hereby respectfully petitions the Commission to amend Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

<i>Community</i>	<i>Present</i>	<i>Proposed</i>
Johannesburg, CA	265A, 280B1	265A
Edwards, CA	265A	280A

In support whereof, the following is shown:

Background

1. Petitioner is the Licensee of Radio Stations KRAJ (FM), Johannesburg and KLOA (AM) KLOA-FM, Ridgecrest, California¹. Radio Station KRAJ is presently authorized to operate on Channel 280B1. Petitioner seeks to have the Commission

¹Petitioner recently filed a request to change the call letters of KRAJ to KEDD. That request is presently pending. For purposes of this Petition, the Station will continue to be referred to as KRAJ.

amend the FM Table of Allotments to permit a downgrade of the present Class B1 allotment to a Class A facility, and to change KRAJ's community of license to Edwards, California, which is presently without any local broadcast service.

Compliance With Allocation Rules

2. Attached hereto as ***Exhibit 1***, is the Engineering Statement of Benj. F. Dawson, III, P.E. of the Engineering firm of Hatfield & Dawson. As the attached Engineering Statement demonstrates, the proposed substitution of Channel 280A in Edwards, California for Channel 280B1 in Johannesburg, California will meet all of the spacing requirements set forth in 47 CFR §§73.207 and 73.210. Furthermore, this proposal falls under Sections 1.420(g) and 1.420(i) of the Commission's Rules because the proposed allotment of Channel 280A in Edwards, California is mutually exclusive with the present use of Channel 280B1 in Johannesburg, California. Accordingly, other expressions of interest need not be solicited or entertained by the Staff under current allocation policies.

Community Showing

3. Edwards, California is a community of sufficient size, identity, and independence to warrant an allotment of a local broadcast service under the Commission allocation policies. Edwards is an unincorporated community in Kern County, California, that is co-extensive in physical boundaries with the military installation of Edwards Air Force Base. The Commission has specifically ruled that U.S. military installations may be considered "communities" for purposes of allotting new FM channels. *Notice of Proposed Rule Making (Camp Lejeune, North Carolina)*, 42 Fed. Reg. 45002 (Broadcast Bur., 1977);² *Amendment of Section 73.202(b), Table of*

²The Commission, while affirming the Bureau's determination that military bases may be
(continued...)

Allotments (Fort Rucker and Geneva, Alabama and Blakely, Georgia), 5 FCC Rcd 37, 67 RR 2d 324.

4. **Community Elements.** While the official 1990 Census shows Edwards with a total population of 7,423, more current sources establish that it's population is even larger. According to the Edwards Public Affairs Office, Edwards has approximately 800 military officers, 4,000 enlisted men and women and 9,000 civilian employees. The base is also home for more than 6,000 spouses and children of military personnel assigned to the base.³

5. Although Edwards is primarily a military installation, it "... is comparable to a small city – responsive to the needs of its people, making everyday living as convenient as possible."⁴ It is self-contained, having all of the necessary attributes of a community. These attributes are identified below:

6. **Retail Outlets.** Edwards has a number of retail outlets located on the Base. While some of these are managed by the Base *e.g.*, the Base Exchange, Commissary, and Clothing Store, others are private concessions. These include the Four Seasons Store (large appliances, furniture, sporting goods, bicycles and outdoor living and gardening center), a pet grooming and supply store, a beauty shop, a barber shop, a florist, laundry and dry cleaners.

²(...continued)

deemed communities, ultimately denied an allotment to Camp Lejeune due to preclusive effects and the then policy against intermixture of classes of channels. 43 RR 2d 900 (1978), *aff'd*, 47 RR 2d 1061 (1980).

³EDWARDS AIR FORCE BASE, an unofficial guide published by Marcoa Publishing, Inc., p. 2 (1998).

⁴*Id.*, p. 9.

7. **Education.** Edwards has a preschool, three public elementary schools⁵ and a combined junior and senior high school—Desert Junior/Senior High, all of which are under the jurisdiction of the Muroc Unified School District serving Edwards and North Edwards. Adult Education includes an Education Services Center with associate, bachelors and masters degree programs from participating colleges and universities, including the University of Phoenix and Southern Illinois University. There is also a Skills Development Center on the Base, which has separate skill development programs in automobile service and repair, ceramics, woodworking, and arts and crafts. There is a Base Library and Library Annex, the latter of which contains children's books and learning aids. There is also an Aerospace Museum on the Base.

8. **Transportation.** There is a Base Taxi for on-base transportation as well as a shuttle service to and from the nearby communities of Lancaster and Palmdale. The base is also served by N&N Travel, a commercial travel agency.

9. **Medical.** The 95th Medical Group runs the base Hospital. In addition, there is an Aerospace Medicine office, Optometry Clinic, Dental Clinic and Red Cross Medical Services Center on the Base. For pets, there is an on-base Veterinary Treatment facility.

10. **Other Government Services.** Public safety services (police and fire) are provided by the Base Command. Employment Services are available from the Civilian Personnel Flight, the Job Hot Line, NASA Job Vacancy Line, and the personnel offices of the on-Base contractors, such as Lockheed, Hughes Aircraft, Boeing, etc. There is a U.S. Post Office on base, and Edwards has its own Zip Code, 93523.

⁵Bailey Avenue Elementary, Irving L. Branch Elementary, and Forbes Avenue Elementary

11. **Churches.** The Base has two chapels which are nondenominational. Protestant, Catholic and Jewish services are regularly scheduled; services for other religions including Greek Orthodox are also held on a less frequent basis.

12. **Restaurants.** There are a number of dining facilities on the Base, both private and Base-operated. Club Muroc is the officers club which has included in its facility several restaurants, cocktail lounges, a ballroom, and banquet and catering services. In addition there is the Joshua Tree Inn, another restaurant, and a number of pizza parlors and snack food establishments privately run.

13. **Recreation.** Muroc lake Golf Course is located on the Base. there are also separate sports and fitness centers, a movie theater, Video Arcade, High Desert Lanes Bowling Center, the Aero Club (flight instruction and light aircraft rental), the Oasis Community Center, Riding Stables, swimming pools and camping facilities.

14. **Social Organizations.** The Civil Air Patrol is open to young men and women, ages 13 and up. Youngsters take cadet training and learn about flight safety as well as patrol programs, including search and rescue. Adults are trained as leaders, in airborne search and rescue, aerospace education, communications and training. Local Chapters of the Boy Scouts, Cub Scouts, Girl Scouts and Rainbow Girls are active for children living on the Base, and there are scouting camps available for their activities. The Desert Wheels Motorcycle Club is open to civilian and military personnel. The Honor Guard is open to military personnel and assists at VIP functions as well as performing in parades.

15. **Media.** Apart from the broadcast reception services that can be heard from some of the nearby communities, the Base is served by Jones InterCable of Colorado which provides television reception service from Los Angeles and via satellite sources. The only local print or broadcast media is the *Desert Wings*, a newspaper which is published weekly by the Base Public Affairs Office.

Public Interest Showings

16. *Gains and Losses.* It is recognized that the proposed downgrade will, of necessity, mean a loss of service to some persons.⁶ However, as shown in the attached Engineering Exhibit, examination of the loss area reveals that the proposal will not result in the creation of any “white” or “gray” areas. 99% of the area⁷ and 100% of the population which will lose service receives service from at least five (5) licensed facilities.

17. *First Local Service to Edwards, California.* It should also be noted that the Community of Johannesburg, California, which has a 1990 census population of 306,⁸ currently has two aural broadcast services, KRAJ (Ch. 280B1) and KBHM (Ch. 265A), which recently signed on the air; whereas Edwards, California, which has a population of over 7,400 persons,⁹ currently has no aural broadcast services. The reallocation and downgrade of Channel 280B1 from Johannesburg to 280A in Edwards will thus bring about a more equitable distribution of radio services, by providing first local service to a larger community while at the same time leaving the smaller community with continuing service of the same class. This new service will promote the Commission's goal of enhancing diversity of thought and opinion in the broadcast

⁶Mr. Dawson states in his exhibit that the gain area comprises 2,161 km² and 25,951 persons; the loss area comprises 4,440 km² and 40,203 persons.

⁷Mr. Dawson notes that there will be 44 km² that receive aural service from only four (4) stations; however, he also notes that this entire area is unpopulated, and that a new non-commercial station, KGBM, Channel 209B, Randberg, California (BPED-910312JH) recently signed on the air and will provide additional 60 dBu service to that area.

⁸Source: U.S. Census Bureau (*U.S. Gazetteer*) www.census.gov/cgi-bin/gaze

⁹*Id.*

media, as well as Congress's charge to the Commission to ensure a fair, efficient and equitable distribution of radio services in the United States.¹⁰

The Proposal is Consistent with the Commission's Community Change Policies

18. Neither Johannesburg nor Edwards is located in an urbanized area. Thus, the proposed allotment is not subject to the criteria set forth in *RKO General (KFRC)*, 5 FCC Rcd 3222 (1990) or *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).¹¹

19. *Continued Aural Service to Johannesburg*. The instant proposal will not only provide Edwards with its first local service, but it will not deprive Johannesburg of its own local service. Moreover, not only would the community of Johannesburg continue to enjoy local aural service from KBHM (Channel 265A, which is now on the air), but it also has reception service from at least five or more full-time aural services.¹²

Statement of Interest in Channel

20. Petitioner hereby states that, should the Commission institute the requested Rule Making proceedings and ultimately adopt the amendment to the FM Table of Allotments proposed herein, Petitioner will promptly file an application to modify the facilities of KRAJ to specify operation on Channel 280A and to change its community of license to Edwards, California.

¹⁰47 U.S.C. §307(b)

¹¹See also *Change of Community R&O*, *supra*. Under the recent decisions of *Walterboro and Ridgeville, South Carolina*, 1996 FCC Lexis 608, MM 93-169 (1996) and *Headland Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995), stations seeking to relocate to a community near an urbanized area are required to address facts set forth in *KFRC* and *Tuck* only if the new allotment would place a 70 dBu (3.16 mV/m) signal over the urbanized area. As shown in the attached Engineering Statement, the predicted 70 dBu contour for Channel 280A in Edwards would not overlap with *any* urbanized area. In any event, analysis of the community information provided herein provides ample evidence that the community of Edwards, California has its own identity and is substantially independent of any of the other communities surrounding it.

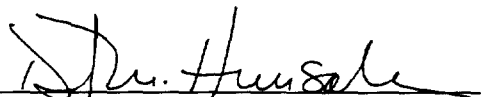
¹²See Engineering Statement Map Figure 2.

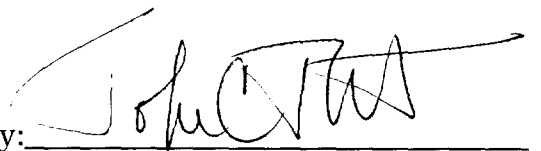
WHEREFORE, the above premises considered, Petitioner respectfully urges that the Commission INSTITUTE Rule Making proceedings, proposing to AMEND Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

<i>Community</i>	<i>Present</i>	<i>Proposed</i>
Johannesburg, CA	265A, 280B1	265A
Edwards, CA	-----	280A

Respectfully submitted,

ADELMAN COMMUNICATIONS, INC.

By: 
David M. Hunsaker

By: 
John C. Trent

Its Attorneys

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October 23, 1998

Exhibit 1 Engineering Statement

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ENGINEERING STATEMENT

PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION

TO ASSIGN FM CHANNEL 280A
FOR USE AT EDWARDS, CA

ADELMAN COMMUNICATIONS, INC.

SEPTEMBER 1998

ENGINEERING STATEMENT

This Engineering Statement has been prepared on behalf of Adelman Communications, Inc. ("Adelman"), licensee of station KRAJ(FM) channel 280B1 at Johannesburg, California, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules. Adelman proposes the reallocation and downgrade of channel 280B1 at Johannesburg to channel 280A at Edwards, California, and the modification of station KRAJ's license to specify Edwards as its community of license.

Channel 280A at Edwards, California

Edwards is a Census Designated Place ("CDP") in Kern County, California, encompassing the regularly-inhabited portion of Edwards Air Force Base. The Edwards CDP is listed with a 1990 Census population of 7,423 persons.

As outlined in the attached channel study, channel 280A can be assigned for use at Edwards in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, with a site restriction of 9.3 kilometers to the northwest to avoid short-spacings to the licensed facility of KCXX 280A Lake Arrowhead, and the licensed and construction permit facilities of KACE 280A Inglewood. The allotment reference site proposed in this petition

Hatfield & Dawson Consulting Engineers

is located at NL 34° 59' 40" x WL 117° 59' 32". This site is 9.3 kilometers from Edwards, the reference coordinates of which are NL 34° 55' 34" x WL 117° 56' 03". The nominal distance to the 70 dBu F(50,50) contour for a Class A station is 16 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Edwards.

There are no aural services presently assigned for use at Edwards. Therefore, this proposal would provide first local service to Edwards.

Two FM channels, 265A¹ and 280B1, are presently assigned for use at Johannesburg. Therefore, the reallocation of channel 280 to Edwards will not deprive Johannesburg of first local service.

Gain and Loss Areas and Populations

KRAJ presently provides 60 dBu service to 4,823 sq km and 43,123 persons. Assuming operation at the allotment reference site with maximum Class A parameters of 6 kW at 100 meters HAAT, the proposed allotment of channel 280A at Edwards will provide 60 dBu service to 2,544 sq km and 28,871 persons.

The gain area comprises 2,161 sq km and 25,951 persons. The loss area comprises 4,440 sq km and 40,203 persons. However, this proposal will provide first local service to the 7,423 residents of Edwards (1990 Census).

¹A construction permit (FCC File No. BPH-961212ME) has recently been issued to Sue A. Avery and Jacques R. Lago for the construction of a new FM station at Johannesburg on this channel. The call letters for the new station are KBHM.

Hatfield & Dawson Consulting Engineers

White, Gray, and Underserved Areas

An engineering analysis of the loss area confirms that the proposed reallocation will not result in the creation of any "white" or "gray" areas. The licensed facilities of KZIQ 224B1 Ridgecrest and KLOA 285B1 Ridgecrest are co-located with the present KRAJ operation, and each provides 60 dBu service to the entire 60 dBu service area of the present KRAJ operation. In addition, AM stations KUZZ 550 kHz Bakersfield and KAVL 610 kHz Lancaster each provide 0.5 mV/m service to the entire 60 dBu service area of the present KRAJ operation.

As shown on the attached map exhibit, 99% of the area which will lose service from KRAJ will still receive service from at least 5 licensed aural services. The proposed reallocation will result in the creation of a small area (44 square kilometers) receiving service from just 4 licensed aural stations. A population analysis conducted using the block centroid retrieval method reveals that this entire area is unpopulated. Furthermore, this area also receives 60 dBu service from the construction permit facility of KGBM 209B Randberg (FCC File No. BPED-910312JH). Review of the Commission's FM Engineering Database indicates that a license application for this facility has been filed. Therefore, the proposed reallocation will not result in the creation of any underserved areas.

Mexican Concurrence

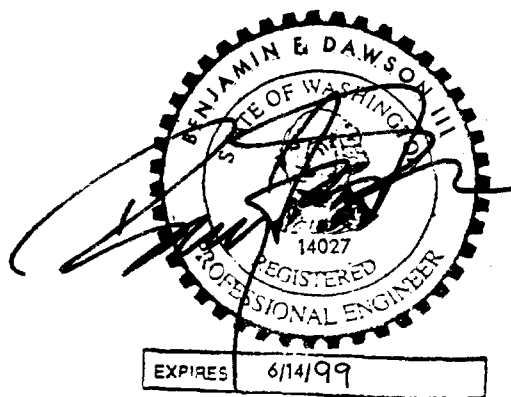
Since Edwards is located within 320 kilometers of the US-Mexican border, concurrence of the Mexican government will be required. Notification of this proposal to Mexico is thereby requested.

Hatfield & Dawson Consulting Engineers

CERTIFICATION

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments to reallocate and downgrade channel 280B1 at Johannesburg to channel 280A at Edwards, California, and to modify the license of station KRAJ to specify Edwards as its community of license, has been prepared on behalf of Adelman Communications, Inc. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

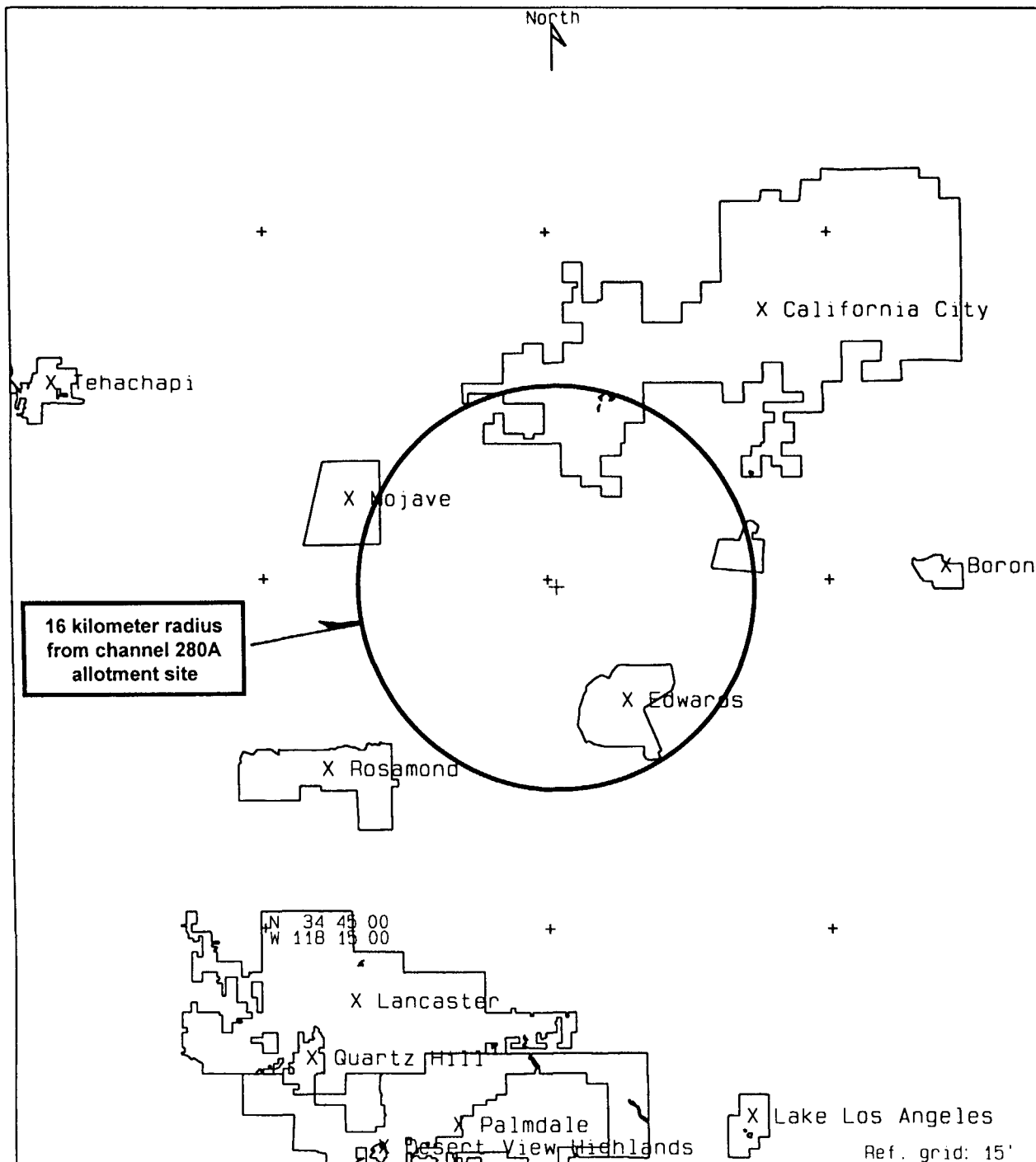
Signed this 1st day of September, 1998.



Benj. F. Dawson III, P.E.

Hatfield & Dawson Consulting Engineers

This map exhibit demonstrates that all of the Edwards CDP is within a 16 kilometers of the proposed allotment reference site for channel 280A.



Edwards 280A

Hatfield and Dawson

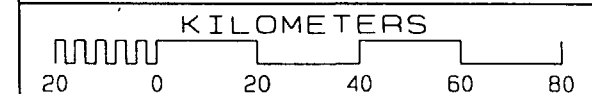
Edwards

Sept 1998

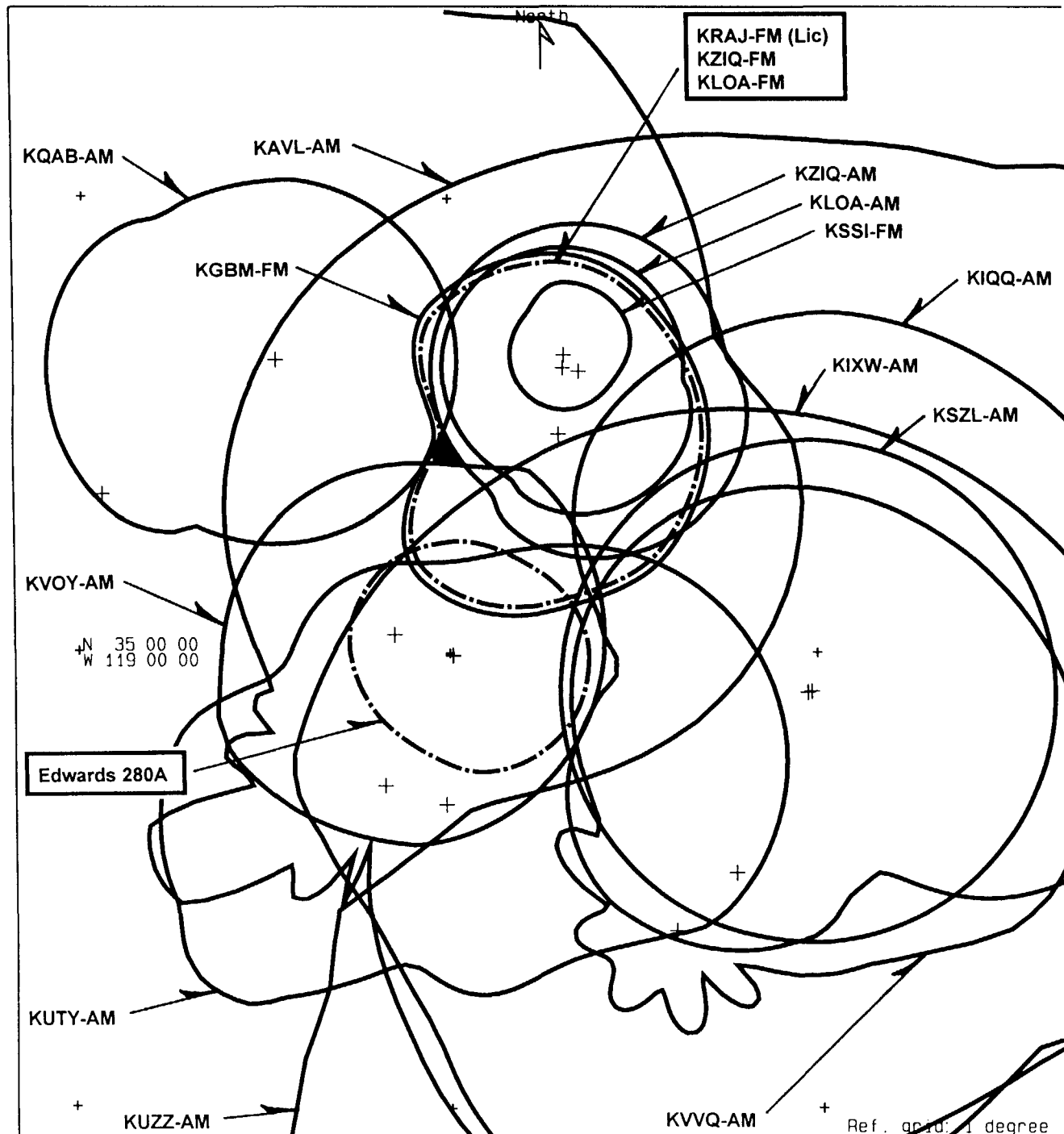
HATFIELD & DAWSON SEATTLE, WA

This map exhibit depicts the 60 dBu contours of FM stations and 0.5 mV/m contours of AM stations which provide service to the loss area which will be created by the reallocation of Johannesburg 280B1 to Edwards 280A.

The shaded area indicates the extent of underserved area which would result. However, the entire underserved area also receives service from the construction permit for KGBM-FM, for which a license application has been filed. Thus, there is actually no underserved area created by this proposal.



Underserved Area
 Hatfield and Dawson
 Edwards Sept 1998



Seattle, WA

FM SEPARATION STUDY

Job Title :Edwards 280A Allotment Site

Separation Buffer 100 km

FCC DB Date : 08/20/98

Channel 280A (103.9 MHz)

Coordinates : 34-59-40 117-59-32

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
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KCBSFM	Los Angeles		226B	28.5	34-13-57	184.9	84.85	15
LIC	CA	BLH861222KC	93.1	1066.0	118-04-18		69.85	CLEAR
GRANDFATHERED AT 28.5KW @ 1066M HAAT								
Proposed to Mexico as C 910503-Accepted by Mexico 910917								

KCBSFM	Los Angeles		226B	28.5	34-13-55	184.9	84.91	15
CP	CA	BPH980428IG	93.1	1066.0	118-04-18		69.91	CLEAR
GRANDFATHERED AT 28.5KW @ 1066M HAAT								
Proposed to Mexico as C 910503-Accepted by Mexico 910917								

K227AB	Bakersfield		227D	.10	35-26-20	306.3	84.05	0
LIC	CA	BLFT931008TG	93.3	867.0	118-44-23		.00	TRANS
Translator for KUFW, Woodlake, CA								

KZPO	Lindsay		277B1	.280	36-17-14	332.2	162.62	48
CPM	CA	BMPH940915IF	103.3	800.0	118-50-17		114.62	CLEAR
One-Step Application From Channel 277A								

KOST	Los Angeles		278B	12.5	34-13-32	184.4	85.56	69
LIC	CA	BLH930831KD	103.5	949.0	118-03-52		16.56	CLEAR
Proposed to Mexico as C 910610-Accepted by Mexico 911015								

KAWU	Newberry Springs		279A	6.0	34-53-19	96.4	101.01	72
CP	CA	BPH960305MA	103.7	75.0	116-53-39		29.01	CLEAR

KMLA	El Rio		279A	0.48	34-18-10	236.1	136.85	72
LIC	CA	BLH961007KC	103.7	246.0	119-13-41		64.85	CLEAR
Proposed to Mexico as B 900208-Accepted by Mexico 910326								

KRAJ	Johannesburg		280B1	1.50	35-28-41	26.2	59.92	143
LIC	CA	BLH980506KE	103.9	399.0	117-41-58		-83.08	SHORT

KACE	Inglewood		280A	3.2	34-00-27	197.4	114.72	115
CP	CA	BPH970219IB	103.9	118.0	118-21-54		-.28	SHORT
Proposed as Class B to Mexico 980514								
conditionally granted pending Mexican concurrence.								

KACE	Inglewood		280A	1.65	34-00-24	197.4	114.79	115
LIC	CA	BLH6309	103.9	119.0	118-21-52		-.21	SHORT

KCXX	Lake Arrowhead		280A	0.18	34-14-03	137.1	114.98	115
LIC	CA	BLH960502KA	103.9	548.0	117-08-25		-.02	SHORT
Accepted by Mexico as Class B 910917								

Seattle, WA

FM SEPARATION STUDY

Job Title :Edwards 280A Allotment Site

Separation Buffer 100 km

FCC DB Date : 08/20/98

Channel 280A (103.9 MHz)

Coordinates : 34-59-40 117-59-32

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K280DT LIC	Thousand Oaks, etc. CA	280D BLFT890511TR	103.9	.005 377.0	DA 34-09-54 118-54-14	222.4	124.36 .00	0 TRANS
TRANSLATOR FOR KOST, LOS ANGELES, CA.								
KMYXFM LIC	Taft CA	280A BLH900504KD	103.9	6.00 100.0	35-07-04 119-27-33	276.3	134.53 19.53	115 CLEAR
K280CV LIC	Cathedral City CA	280D BLFT950816TC	103.9	.250 429.0	DA 33-52-12 116-25-43	130.6	190.31 .00	0 TRANS
Translator for KROR, Yucca Valley, CA. Vertical Polarization Only								
K280CV CP	Cathedral City CA	280D BPFT980106TG	103.9	.250 432.0	DA 33-52-12 116-25-43	130.6	190.31 .00	0 TRANS
Translator for KROR, Yucca Valley, CA.								
ALC	Essex CA	Docket92-194	280B 103.9	.0	34-44-12 115-14-48	95.7	252.68 74.68	178 CLEAR
Accepted by Mexico as Class B 930112 Effective 8-21-95								
NEW APP	Essex CA	BPH950921MK	280B 103.9	9.5 337.0	34-52-50 115-04-03	91.9	267.50 89.50	178 CLEAR
KFRR LIC	Woodlake CA	281B BLH921123KA	104.1	17.0 260.0	36-38-12 118-56-34	335.1	201.44 88.44	113 CLEAR
KBIGFM LIC	Los Angeles CA	282B BLH960917KC	104.3	105. 882.0	34-13-36 118-03-59	184.6	85.45 16.45	69 CLEAR
Grandfathered at 105kw @ 882m HAAT. Proposed to Mexico as C 910503-Accepted by Mexico 910917								
KCOO LIC	Shafter CA	282A BLH950621KD	104.3	6. 93.0	35-25-10 119-11-54	293.7	119.53 88.53	31 CLEAR
KVLIFM LIC	Lake Isabella CA	283A BLH921106KB	104.5	.200 384.0	35-37-21 118-26-16	330.1	80.61 49.61	31 CLEAR
KBIW CP	Lenwood CA	283A BPH960507MF	104.5	2.5 157.0	34-51-20 117-02-59	99.9	87.50 56.50	31 CLEAR

** End of separation study for channel 280A **